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October 16, 2024

By ECF

Hon. Arun Subramanian
United States District Court Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Rious v. City of New York, et al.
No. 24-CV-04620 (AS)

Dear Judge Subramanian:

I am an Assistant Corporation Counsel in the Office of Muriel Goode-Trufant, Acting Corporation Counsel of the City of New York for the defendant City of New York in the above-referenced matter. In a memo endorsed order dated August 12, 2024, this Court granted Defendant City of New York's request for an extension of time to respond to the complaint until October 18, 2024 and rescheduled the initial pretrial conference to take place on October 30, 2024. See ECF Dkt. No. 12. I write to respectfully request a further extension of time for Defendant City to respond to Plaintiff's Complaint from October 18, 2024 until December 16, 2024. This is Defendant City's second request to extend this deadline, and Plaintiff's counsel consents to this request.

Plaintiff is a police officer who brings this action pursuant to the ADA, § 1983, SHRL, CHRL, and FMLA alleging disability discrimination based on caregiver status and retaliation. She alleges that her tour schedule was changed which created a substantial hardship for her and her need to function as a caregiver for her ailing mother. She alleges that, in September 2022, she applied under the ADA and FMLA "to use her legal rights as a caregiver," and, in October 2022, plaintiff's application was approved. However, she contends that, in retaliation for asserting her ADA and FMLA rights as a caregiver, she was transferred in late September 2023 from the NYPD Training Unit to a patrol squad assignment which allegedly interfered with her caregiver obligations.

This additional request for an extension of the discovery deadline is necessary because it has taken longer than originally anticipated to fully investigate the Plaintiff's allegations. This request is also necessary, in part, due to the undersigned's conflicting deadlines in other cases since the Court granted Defendant City's first extension. See ECF Dkt. No. 12.

Since August 12, I filed a motion to dismiss in Arnaldo Rodriguez v. New York City Fire Department, et. al., a state action (Index No. 652550/2022), an opposition to a motion to consolidate in Rodney Greenidge v. City of New York, et. al., a state action (Index No. 155062/2022), and a motion to dismiss in Harris v. City of New York, a state action (Index No. 156195/2024). I am also handling discovery matters for two cases, Nnebe v. New York City Dept. of Educ., et. al., an SDNY action 22-CV-03860 (VEC) (SLC)) and Gustave v. City of New York, et. al., an EDNY action, (23-CV-07576-HG), in which the extended close of fact discovery is scheduled within this next month.

While not yet appearing on behalf of the individually named defendants, it is respectfully requested that the Court extend the time for the individually named defendants to respond to the complaint *sua sponte* until December 16, 2024, so that their defenses are not jeopardized while service is effected and representational issues are being decided.

The granting of this extension of time would affect one deadline. An initial pre-trial conference is scheduled for October 30, 2024. Defendant City, with Plaintiff's consent, requests that the initial pre-trial conference and the related deadlines for filing of a joint letter and case management plan and scheduling order be adjourned to a later date, following the submission of a responsive pleading or motion, to a date which is convenient for the Court.

I thank the Court for its consideration of this request and attention to this matter.

Respectfully submitted,

/s/ Dominique Anglade

Dominique Anglade

Assistant Corporation Counsel

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GRANTED in part. The deadline to respond for all defendants is now **November 22, 2024**. The initial conference is now on **December 3, 2024 at 11:30 AM**, with associated deadlines for the joint letter and proposed case management plan shifted accordingly. The Clerk of Court is respectfully directed to terminate the motion at ECF No. 13.

SO ORDERED.



Arun Subramanian, U.S.D.J.

Date: October 18, 2024